IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HARBI HUSSEIN, on behalf of himself and as a representative of the ESTATE OF SAADO ALI WARSAME, AYANLE ALI, on behalf of himself and as a representative of the ESTATE OF ABDULLAHI ALI ANSHOOR, MARYAN ALI and RIYAK ALI, Plaintiffs, v. DAHABSHIIL TRANSFER SERVICES LTD., DAHABSHIL, INC., DAHAB-SHIL, INC. and DAHABSHIIL PVT. Defendants.	Civil Action No.: 1:15-cv-09623 (VEC) **FIRST AMENDED COMPLAINT** **JURY TRIAL DEMANDED**

Plaintiffs Harbi Hussein, Ayanle Ali, Maryan Ali and Riyak Ali ("Plaintiffs"), by and through their attorneys, allege the following against Defendants Dahabshiil Transfer Services Ltd., Dahabshil, Inc., Dahab-shil, Inc. and Dahabshiil PVT (collectively "Defendants," "Dahabshiil" or the "Dahabshiil Criminal Conspirators"):

NATURE OF THE ACTION

1. This is a lawsuit against members of an international hawala network and criminal conspiracy known as Dahabshiil that provided financial support to al-Shabaab, a designated Foreign Terrorist Organization, and to the al-Shabaab operatives who assassinated Saado Ali Warsame and Abdullahi Ali Anshoor.

Saado Ali Warsame

2. Saado Ali Warsame was born in Somalia in 1950. By the time she was a teenager, Ms. Warsame had become famous throughout Somalia for her singing and especially her songs about human rights and social justice. She stood up to tyranny, corruption, injustice and nepotism during Siad Barre's military regime with songs and poetry. Her famous song "Land Cruiser," which ridiculed the military junta for exchanging donations of corn for

expensive cars, led to Ms. Warsame's arrest and is largely credited for taking down the Barre regime. She was one of the few Somali female musicians to go on stage without covering her head and she sometimes wore pants, which is unusual for women in Somalia.

3. In the early 1990s, when Somalia devolved into civil war, Ms. Warsame moved to the United States. She lived in New York, where her son Harbi was born, and then moved to Minneapolis. She returned to her homeland of Somalia in 2012 to run for office, and was elected to the Somali Federal Parliament, representing northeastern Puntland.

4. The Dahabshiil Criminal Conspirators have for some time been closely associated with al-Shabaab, and they are longtime financial supporters of the group and its terrorist activities. For example, according to a United Nations report, Dahabshiil financed "a large scale assassination operation" in Mogadishu by the Amniyat, al-Shabaab's elite intelligence unit, which involved a "wave of assassinations of national intelligence officers and members of the Federal parliament."[1]

5. One of Ms. Warsame's better known songs was a protest against Dahabshiil and its support of al-Shabaab. The song, called "Dhiigshiil ha dhigan," contains a play on words. The name of the defendant, "Dahabshiil," means "gold smelter." Ms. Warsame changed this to "Dhiigshiil," which means "blood smelter." The translation of the title is "Don't Do Business With The Blood Smelter." The lyrics she sang include these:

> They call him "Blood Smelter" to manipulate the public
> He has lot of money to make sure Mogadishu will never be at peace
> He is the enemy of Somalia
> Somalis, do not deposit your money to his banks
> He is real tribalism; he is destroying our land
> The money he is making from us will kill our children

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[1] *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia*, available at: http://repository.un.org/bitstream/handle/11176/24077/S_2013_413-EN.pdf (last checked February 22, 2016).

Somalis, do not deposit your money to his banks

The music video for this song includes images of Ms. Warsame singing.

It also includes images of protesters holding a sign that reads "Dhiigshiil Stop Genocide," with a photograph of Ms. Warsame inset on the screen.

Ms. Warsame's music video also includes a graphic showing the defendants' name, "Dahabshiil," dripping with blood, under an assault rifle, with the word "Dhiigshiil" (blood smelter) underneath.

Dahabshiil
Dhiigshiil

6. In response to her song, "Don't Do Business With The Blood Smelter," Dahabshiil placed a multi-million dollar bounty on Ms. Warsame's life.

7. On July 23, 2014, during the holy month of Ramadan, Ms. Warsame was murdered by two al-Shabaab operatives. She was being driven to her hotel in Mogadishu's Hodan district when two gunmen pulled up to her car in a drive-by attack and opened fire. Ms. Warsame and her driver were both killed.

8. Abdulaziz Abu Musab, the spokesman for al-Shabaab's military operations, claimed responsibility for the assassination of Ms. Warsame on behalf of al-Shabaab. Two al-Shabaab operatives – Shu'ayb Ibrahim Mahdi, 27 and Farah Ali Abdi, 30 – were convicted of killing Ms. Warsame by a Somali court. They were sentenced to death and executed in May 2015.

Shu'ayb Ibrahim Mahdi and Farah Ali Abdi, the al-Shabaab Operatives Who Killed Saado Ali Warsame

9. Ms. Warsame's son, Harbi Hussein, is a citizen of the United States domiciled in the State of Minnesota. He brings this lawsuit on behalf of himself and as a representative of the estate of his mother Saado Ali Warsame, also a U.S. citizen. The murder of his mother by international terrorists has caused him severe mental anguish, extreme emotional pain and suffering, and the loss of his mother's society, companionship, comfort, advice and counsel. He alleges that the Dahabshiil Criminal Conspirators' provision of material support to al-Shabaab, a designated Foreign Terrorist Organization, constitutes an act of international terrorism in violation of 18 U.S.C. §§ 2339A-2339C, for which he seeks treble damages under 18 U.S.C. § 2333(a).

10. Plaintiffs Ayanle Ali, Maryan Ali and Riyak Ali bring this lawsuit on behalf of themselves and the estate of their father, Abdullahi Ali Anshoor, who was assassinated by al-Shabaab operatives with the help of the Dahabshiil Criminal Conspirators. The murder of their father by international terrorists has caused them severe mental anguish, extreme emotional pain

and suffering, and the loss of their father's society, companionship, comfort, advice and counsel. They allege that the Dahabshiil Criminal Conspirators' provision of material support to al-Shabaab, a designated Foreign Terrorist Organization, constitutes an act of international terrorism in violation of 18 U.S.C. §§ 2339A-2339C, for which he seeks treble damages under 18 U.S.C. § 2333(a).

PARTIES

11. Plaintiff Harbi Hussein is a citizen of the United States domiciled in the State of Minnesota. He brings this lawsuit on behalf of himself and as a representative of the estate of his mother Saado Ali Warsame, also a U.S. citizen.

12. Plaintiff Ayanle Ali is a citizen of the United States domiciled in the State of Minnesota. He brings this lawsuit on behalf of himself and as a representative of the estate of his father Abdullahi Ali Anshoor, also a U.S. citizen.

13. Plaintiff Maryan Ali is a citizen of the United States domiciled in the State of Minnesota.

14. Plaintiff Riyak Ali is a citizen of the United States domiciled in the State of Minnesota.

15. Upon information and belief, Dahabshiil Transfer Services Ltd. is a funds transfer company organized under the laws of the United Kingdom and headquartered in London, UK. At all times relevant to this First Amended Complaint, Dahabshiil Transfer Services Ltd. controlled Dahabshil, Inc., Dahab-shil Inc. and Dahabshiil PVT. At all times relevant to this First Amended Complaint, Dahabshiil Transfer Services Ltd. acted in concert and participated in a criminal conspiracy with Dahabshil, Inc., Dahab-shil Inc. and Dahabshiil PVT.

16. Upon information and belief, Dahabshil, Inc. is a funds transfer company

incorporated in the State of Georgia and headquartered in Columbus, Ohio. At all times relevant to this First Amended Complaint, Dahabshil, Inc. was controlled by and acted as the agent of Dahabshiil Transfer Services Ltd. At all times relevant to this First Amended Complaint, Dahabshil, Inc. acted in concert and participated in a criminal conspiracy with Dahabshiil Transfer Services Ltd., Dahab-shil Inc. and Dahabshiil PVT.

17. Upon information and belief, Dahab-shil Inc. is a funds transfer company incorporated in the State of Minnesota and headquartered in Minneapolis, Minnesota. At all times relevant to this First Amended Complaint, Dahab-shil, Inc. was controlled by and acted as the agent of Dahabshiil Transfer Services Ltd. At all times relevant to this First Amended Complaint, Dahab-shil, Inc. acted in concert and participated in a criminal conspiracy with Dahabshiil Transfer Services Ltd., Dahabshil, Inc. and Dahabshiil PVT.

18. Upon information and belief, Dahabshiil PVT is a funds transfer company organized under the laws of Somalia and headquartered in Hargeisa, Somalia. At all times relevant to this First Amended Complaint, Dahabshiil PVT was controlled by and acted as the agent of Dahabshiil Transfer Services Ltd. At all times relevant to this First Amended Complaint, Dahabshiil PVT acted in concert and participated in a criminal conspiracy with Dahabshiil Transfer Services Ltd., Dahab-shil Inc. and Dahabshil, Inc.

JURISDICTION AND VENUE

19. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. § 2333(a) as a civil action brought by a citizen of the United States injured by reason of an act of international terrorism and the estate, survivor, or heir of a United States citizen injured by reason of an act of international terrorism.

20. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a

substantial part of the events giving rise to the claims in this action occurred in this district and Defendants are subject to personal jurisdiction in this district.

21. Defendants are subject to personal jurisdiction pursuant to CPLR § 302. The Dahabshiil Criminal Conspirators repeatedly, regularly and deliberately transacted business in New York through a correspondent bank account that it used to transfer funds to al-Shabaab. Plaintiffs' claims arise from these transactions. This course of dealing shows a purposeful availment of New York's dependable and transparent banking system and the predictable jurisdictional and commercial law of New York.

ALLEGATIONS

I. Harakat al-Shabaab al-Mujahideen

22. In the wake of the collapse of Siad Barre's military dictatorship in 1991, Somalia devolved into failed state overcome by a civil war that has lasted to this day.

23. In the midst of the power vacuum that followed Barre's ouster, Osama bin Laden provided substantial funding to a militant group called al-Itihaad al-Islamiya (the "Islamic Union" or "AIAI"). AIAI's aim was to establish an Islamic regime in Somalia, and it regularly carried out bombings, kidnappings and other types of terrorist attacks to that end. AIAI established control in strategic locations in Somalia, where it implemented a strict version of Sharia law.

24. AIAI went on to support the al-Qaeda operatives who carried out the bombing attacks on the U.S. embassies in Kenya and Tanzania in August 1998.

25. In 2001, AIAI was designated as a Specially Designated Global Terrorist by the U.S. government, along with its leader Sheikh Hassan Dahir Aweys. AIAI dissolved shortly thereafter, but Aweys and other AIAI members went on to form a successor organization called the Islamic Courts Union (the "ICU").

Sheikh Hassan Dahir Aweys

26. The ICU, a system of Sharia courts that sought to encourage stability by punishing wrongdoers with stonings, challenged the Transitional Federal Government ("TFG") of Somalia with the support of its formidable militia. The ICU was led by a Shura council chaired by Aweys. By 2006, the ICU controlled most of southern Somalia, including the capital Mogadishu. After just six months, however, the ICU was routed by Ethiopian forces and most of its members were dispersed.

27. Thereafter, a core of approximately 33 members of the ICU radical and militant youth wing coalesced to form a new organization called Harakat al-Shabaab al-Mujahideen ("al-Shabaab" or "HSM"), meaning "Jihadist Youth Movement." By 2009, under the guidance of founder Sheikh Mukhtar Abu Zubair (better known as Ahmed Abdi Godane), and spiritual leader Aweys, al-Shabaab had grown rapidly to at least 5,000 members, controlling an area equal to the size of Denmark and half the Somali population. By 2014, al-Shabaab had an estimated 7,000 to 9,000 fighters.

Ahmed Abdi Godane

28. Like its predecessor organizations, al-Shabaab's goal is the violent overthrow of the Somali federal government. To that end, it has carried out numerous terrorist attacks using guerilla warfare tactics, beheadings, amputations, suicide bombings, mortars, bomb-laden automobiles, roadside explosives and shootings. Al-Shabaab has been responsible for spectacular incidents like the September 2013 attack at the Westgate shopping mall in Nairobi, Kenya in which at least 67 were killed and more than another 175 wounded, as well as the targeted assassinations of aid workers, journalists, prominent politicians like Saado Ali Warsame and other government workers like Abdullahi Ali Anshoor.

29. On February 26, 2008, the U.S. Department of State designated al-Shabaab as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act, and, on February 29, 2008, al-Shabaab was designated as a Specially Designated Global Terrorist entity under Executive Order 13224. These designations remain in effect as of this date. Under these designations, al-Shabaab is also known as: al-Shabaab al-Islaam; al-Shabaab al-Islamiya; al-Shabaab al-Jihaad; Harakat al-Shabaab al-Mujaahidiin; Harakat Shabab al-Mujahidin; Harakatul-Shabaab al-Mujaahidiin; Hisb'ul Shabaab; Hizbul Shabaab; Mujaahidiin Youth Movement; Mujahideen Youth Movement; Mujahidin al-Shabaab Movement; Mujahidin Youth Movement; Shabaab; MYM; The Unity of Islamic Youth; The Youth; and "Youth Wing."

30. On or about November 20, 2008, the U.S. Department of State also designated Godane as a Specially Designated Global Terrorist. The designation includes the following names: Aw-Mohamed, Ahmed Abdi; Abuzubair, Muktar Abdulrahim; Aw Mohammed, Ahmed Abdi; "Abu Zubeyr"; "Godane"; "Godani"; "Shaykh Mukhtar." This designation was in effect through Godane's death on September 1, 2014 when he was killed in a U.S. military targeted airstrike.

31. In 2009, following the withdrawal of Ethiopian troops from Somalia, al-Shabaab revealed an even more ambitious and extremist agenda. Godane issued a video in which he publicly pledged allegiance to Osama bin Laden, and later released a statement that al-Shabaab had "agreed to join the international jihad of al-Qaeda." Al-Qaeda's leader Ayman al-Zawahiri also released a video statement confirming an affiliation with al-Shabaab.

Ayman al-Zawahiri Announcing
al-Qaeda's Affiliation with al-Shabaab

32. Throughout its existence, financing has been critical to al-Shabaab's survival. Money has been the lifeblood that has allowed al-Shabaab, in the face of significant military pressure, not just to survive but to mount sophisticated and devastating attacks. This critical financing would not have been possible without the Dahabshiil Criminal Conspirators.

II. Dahabshiil Supports Terrorists

33. With more than 24,000 branches operating in 126 countries, Dahabshiil is the largest money transfer business in Africa. $1.6 billion is transferred to Somalia each year, and the majority of it passes through Dahabshiil.

34. In Somalia, Dahabshiil PVT, acting as the agent of Dahabshiil Transfer Services Ltd., operates at least 260 branches. Many of these branches operate in areas where al-Shabaab has maintained complete control at some point over the last ten years.

35. In the capital, Mogadishu, which was controlled by al-Shabaab from 2010 to 2011, Dahabshiil PVT operates 32 branches.

Dahabshiil
Fast Money Transfer you can trust
Dahabshiil Laanta Xararyaale
D.BANK

A Dahabshiil Branch in Downtown Mogadishu

36. In the important port city of Kismayo, which was controlled by al-Shabaab from 2008 to 2012, Dahabshiil PVT operates seven branches.

37. In the city of Baidoa, which was controlled by al-Shabaab from 2008 to 2012, Dahabshiil PVT operates 10 branches.

38. In Bardere, which was controlled by al-Shabaab from 2008 until July 2015,

Dahabshiil PVT operates three branches.

al-Shabaab Militants in Badere

39. The global operations and policies of each of the Dahabshiil Criminal Conspirators are dictated by Dahabshiil Transfer Services Ltd. in London where Dahabshiil CEO Abdirashid Duale has his office. All of the separately incorporated Dahabshiil entities, including Dahabshil, Inc., Dahab-shil, Inc. and Dahabshiil PVT, are controlled by and act as the agents of Dahabshiil Transfer Services Ltd. All internal training materials for all Dahabshiil branches worldwide originate from Dahabshiil Transfer Services Ltd. Dahabshiil Transfer Services Ltd. controls the IT system used by all branches of Dahabshiil worldwide.

A. The Dahabshiil Criminal Conspiracy

40. The "Dahabshiil Criminal Conspiracy" identified in this First Amended Complaint is an agreement between each of the Dahabshiil Criminal Conspirators to transfer money to al-Shabaab in violation of U.S. laws and regulations.

41. The goals of this criminal conspiracy are (1) to provide material support to al-Shabaab in the form of financial services and donations, (2) profit from transactions made to al-Shabaab and (3) to establish and maintain the dominance of the Dahabshiil hawala network by destroying rival transfer companies and critics (like Ms. Warsame) with the aid of al-Shabaab.

42. Each of the Dahabshiil Criminal Conspirators knew about the aims and objectives of this criminal conspiracy, agreed to the essence of these objectives and, as set out below, performed acts intended to further these objectives.

43. The Dahabshiil Criminal Conspiracy has enabled al-Shabaab to raise huge sums of money which it has used to finance numerous acts of terrorism, including the assassinations of Saado Ali Warsame and Abdullahi Ali Anshoor.

B. Dahabshiil's Support for al-Qaeda

44. The Dahabshiil Criminal Conspirators have long supported prominent terrorist groups around the globe.

45. On September 1, 2008, the U.S. Department of Defense released a Detainee Assessment regarding Guantanamo Bay prisoner Mohammed Soliman Barre. According to the Assessment, in August 1998, Barre's "distant relative Muhammad Mussa" asked him to establish a branch office in Karachi for the Somalia-based company Dahabshiil." Barre "accepted the offer and was given $10,000 US from the Dubai, United Arab Emirates (AE) office of Dahabshiil to start the new branch." Dahabshiil's owner was directly involved in hiring Barre.

46. According to the Assessment, Barre operated the Dahabshiil branch in Karachi illegally, and conducted all business from his residence. On November 1, 2001:

> the Pakistani Inter-Service Intelligence Directorate (ISID) raided [Barre's] Karachi residence and office due to reported ties between Dahabshiil and al-Qaida, and arrested him. During the raid, Pakistani officials discovered detainee [Barre] shredding documents related to his business. Numerous documents were seized, including an address book that contained the aliases and phone numbers of senior al-Qaida and al-Wafa operatives, ledgers, other financial transaction records, phone and fax logs, and personal letters.

47. Barre, the Assessment concluded, had "provided direct financial support to al-Qaida, al-Wafa, and other terrorist and terrorist support entities through the Somalia-based

company Dahabshiil hawala." Barre was also implicated in transferring money through Dahabshiil that was used to fund a November 2002 al-Qaeda attack on Israeli interests in Mombasa, Kenya.

48. A U.S. military judge addressing Barre in 2005 told him "I am convinced that your branch of the Dahabshiil company was used to transfer money for terrorism."

49. Following these public revelations about Dahabshiil's support for terrorism, the company took extraordinary steps to keep its misdeeds concealed. The Bell Pottinger public relations and lobbying firm even boasted that it had manipulated Google rankings on behalf of Dahabshiil so that references to its al-Qaeda links disappeared from the first 10 pages of a Google search for the company.

C. Dahabshiil Knowingly Transfers Funds to al-Shabaab

50. Dahabshiil has been singled out as the financial institution of choice for al-Shabaab operatives and financiers.

51. When the Amniyat, al-Shabaab's elite intelligence unit, sought to finance "a large-scale assassination operation" in Mogadishu, it chose Dahabshiil to transfer the funds.[2] According to a UN report, the objective of the operation was "to mobilize a team of 25 Amniyat operatives to conduct a wave of assassinations of national intelligence officers and members of the Federal parliament."[3] To that end, terrorist financiers in the Somali business community based in Qatar collected money from al-Shabaab supporters and sent the funds to Mogadishu via Dahabshiil PVT, which was acting as the agent of Dahabshiil Transfer Services Ltd. and in

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[2] *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia*, available at: http://repository.un.org/bitstream/handle/11176/24077/S_2013_413-EN.pdf (last checked February 22, 2016).

[3] *Id.*

furtherance of the Dahabshiil Criminal Conspiracy.[4]

52. There, Amniyat Finance Officer Ali Mohammed Ali "Abdullahi" picked up the money for the assassinations from his local Dahabshiil PVT branch and delivered it to the Amniyat commander in charge of the operation.[5] From October to December 2012, the report adds, approximately $100,000 was transferred for four similar operations.[6] All of these transfers to the Amniyat were carried out by Dahabshiil PVT at the direction of Dahabshiil Transfer Services Ltd. and in furtherance of the Dahabshiil Criminal Conspiracy.

53. Similar transfers were also exposed during the 2011 criminal trial of Amina Farah Ali and Hawo Mohamed Hassan, two Somali women from Rochester, Minnesota convicted of funneling money to al-Shabaab through members of the Dahabshiil Criminal Conspiracy:

a. On February 15, 2009, Amina Saeed Hassan Abdilleh sent $200 from her account at the Falls Church, VA branch of Dahabshil Inc. to Madina Haji Ahmed. Ahmed was an associate of Hassan Afgoye, al-Shabaab's regional governor in Baidoa for the Bay and Bakool regions, which were under al-Shabaab control at the time. Afgoye (also known as Hassan Mohamed Ali and Abu Ayman), was a particularly well-known al-Shabaab leader who was seen as a possible successor to Ahmed Abdi Godane. The transfer was sent by Dahabshil Inc. and processed by Dahabshiil PVT, both of which were acting as the agents of Dahabshiil Transfer Services Ltd. and in furtherance of the Dahabshiil Criminal Conspiracy.

b. On May 31, 2009, Abdilleh sent $250 directly to Afgoye by listing a fake name (Fadumo Farah Nor) as the beneficiary. The transfer was sent to Dahabshiil

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[4] *Id.*

[5] *Id.*

[6] *Id.*

Account No. 25215104242 and the transfer identification number was 249706. The transfer was sent by Dahabshil Inc. and processed by Dahabshiil PVT, both of which were acting as the agents of Dahabshiil Transfer Services Ltd. and in furtherance of the Dahabshiil Criminal Conspiracy.

c. On July 5, 2009, Abdilleh sent another $300 directly to Afgoye, this time under the fake name Nadifo Muse Ali. The transfer was sent to Dahabshiil Account No. 2521510424(1)2 and the transfer identification number was 253472. The transfer was sent by Dahabshil Inc. and processed by Dahabshiil PVT, both of which were acting as the agents of Dahabshiil Transfer Services Ltd. and in furtherance of the Dahabshiil Criminal Conspiracy.

d. On April 3, 2009, Hawo Mohamed Hassan sent $200 from her account at the Rochester, MN branch of Dahab-shil Inc. to Abdirisaq Hasan Osman, a close associate of al-Shabaab spiritual leader Hassan Dahir Aweys tasked with carrying the sheikh's phone. The transfer was made from Account No. ROC-10522 and sent to Osman's Account No. 249928176157 in Khartoum, Sudan. The transfer identification number for the transaction was ROC044020-1-1. At the time of this transaction, all financial transfers to financial institutions in Khartoum were prohibited under sanctions imposed by the United States government. The transfer was sent by Dahab-Shil Inc. and processed by Dahabshiil PVT, both of which were acting as the agents of Dahabshiil Transfer Services Ltd. and in furtherance of the Dahabshiil Criminal Conspiracy.

54. In October 2011, a federal jury convicted Ali and Hassan of providing material support to al-Shabaab, including on the counts involving the transfers carried out by Dahabshiil

Criminal Conspirators. They were sentenced to 20 years and 10 years in prison respectively.

55. Dahabshiil PVT, acting as the agent of Dahabshiil Transfer Services Ltd. and in further of the Dahabshiil Criminal Conspiracy, has also made regular payments to al-Shabaab out of its own funds in order to keep its branches open in the regions of Somalia where the terrorist group has maintained control. In July 2014, several Dahabshiil branches in Middle and Lower Juba in Somalia were temporarily closed by al-Shabaab until Dahabshiil PVT resumed its payments. Al-Shabaab reportedly also closed down rival money transfer companies Zaad and Shala in an effort to maintain control of cash flows solely through Dahabshiil.

56. Dahabshiil employees have also been directly linked to al-Shabaab. In February 2016, for instance, Abdirizak Mowlana, Dahabshiil's deputy manager in South Africa, was arrested for recruiting young Kenyan men to join the terrorist group. Dahabshiil in South Africa is owned and operated by Dahabshiil Transfer Services Ltd.

D. Dahabshiil Has Failed to Implement Effective Policies for Combatting Terrorist Financing

57. Financial transactions sent through Dahabshiil's informal hawala network to regions of Somalia under the complete control of al-Shabaab are some of the riskiest imaginable. Yet the Dahabshiil Criminal Conspirators have failed to implement even the most basic safeguards against terrorist financing.

58. In the United States, the stated policy of Dahab-Shil Inc. and Dahabshil Inc. is that they will transfer up to $2,000 without checking the originating party's identification, even if the transfer is being made to an al-Shabaab controlled region of Somalia. For such transfers, Dahab-Shil Inc. and Dahabshil Inc. also do not require a social security number, signature verification, an address, a date of birth, a phone number or even an e-mail address. $2,000—more than three times Somalia's GDP per capita—is enough to finance numerous terrorist

attacks throughout East Africa. These policies are dictated by Dahabshiil Transfer Services Ltd.

59. Dahab-Shil Inc. and Dahabshil Inc., acting as the agents and under the direction of Dahabshiil Transfer Services Ltd., refuse to implement more stringent standards to combat terrorist financing because they are using these lax policies to purposefully aid al-Shabaab in furtherance of the Dahabshiil Criminal Conspiracy. Dahab-Shil Inc. and Dahabshil Inc. have been fully aware that they were sending substantial sums of money to areas of Somalia under the complete control of al-Shabaab and that there was a substantial probability that much of this money was falling into the hands of these terrorists.

60. After either Dahabshil Inc. or Dahab-Shil Inc. take a 5% commission, transactions originating at their branches are entered into an IT system run by Dahabshiil Transfer Services Ltd. and the funds are available in Somalia within 15 minutes. Like a traditional hawala network, however, no money is actually moved in real time. Rather, the Dahabshiil Criminal Conspirators keep a balance of the transfers between their branches over an extended period, at the end of which they send international wire transfers through commercial banks to settle outstanding deficits. These transfers are sent by Dahabshil Inc. and Dahab-Shil Inc., received by Dahabshiil PVT, and are all carried out at the direction of Dahabshiil Transfer Services Ltd. The Dahabshiil Criminal Conspirators coordinate these transfers with one another. As with all international transfers in U.S. currency, these transactions pass through correspondent bank accounts held in New York. Absent these frequent and deliberate transfers through New York, Dahabshiil's hawala network could not function.

61. When Dahabshiil PVT in Somalia is notified of a funds transfer, an employee there calls or texts the beneficiary at the telephone number provided by the customer who originated the transfer. The beneficiary in Somalia is never required to present an identification

to confirm his identity. Rather, he may simply be judged credible by the Somali branch or his identity may be corroborated by a third party. These policies are dictated by Dahabshiil Transfer Services Ltd.

62. Dahabshiil PVT, acting as the agent and under the direction of Dahabshiil Transfer Services Ltd., refuses to implement more stringent standards to combat terrorist financing because it is purposefully seeking to aid al-Shabaab in furtherance of the Dahabshiil Criminal Conspiracy.

63. This system of trust without verification, despite the extremely high risk involved in transferring funds to al-Shabaab-controlled territories, provides a clear path for terrorist financing. As shown in the Ali trial, Dahabshiil's lack of due diligence enables those bent on supporting al-Shabaab with the ability to hide the purpose of their transfers and the identities of those receiving funds. Anyone sending money to al-Shabaab can easily use a fake name to avoid having their transaction blocked by software implementing the U.S. Treasury Department's list of Specially Designated Nationals.

64. Banking regulators around the world have criticized Dahabshiil's lax policies and terrorist financing.

65. In July 2013, the Danish Financial Supervisory Authority (the "DFSA") found that Dahabshiil's policies for reducing money laundering and terrorist financing were "completely inadequate." The DFSA added that Dahabshiil had "violated the essential provisions of the [Danish] Money Laundering Act" and that the company posed a "high risk of being misused for carrying out money laundering or terrorist financing." Accordingly, the DFSA reported Dahabshiil to the police. Dahabshiil in Denmark is owned and operated by Dahabshiil Transfer Services Ltd.

66. Likewise, in April 2014, the Kenyan government temporarily suspended operations of Dahabshiil and froze its assets because it was "suspected to be associated with al-Shabaab." Kenya, which withstood al-Shabaab's attack on the Westgate Shopping Mall in its capital Nairobi in September 2013, has a particular interest in cutting off the group's financial lifeline. Dahabshiil in Kenya is owned and operated by Dahabshiil Transfer Services Ltd.

E. Commercial Banks Have Largely Cutoff Dahabshiil

67. Many of Dahabshiil's commercial banking partners have refused to continue doing business with it for fear of becoming complicit in terrorist financing.

68. In 2011, in the wake of the Ali and Hassan indictments implicating Dahabshiil, Minneapolis-based Franklin Community Bank, and its parent company, St. Paul-based Sunrise Community Banks, cut off their relationships with Dahabshiil. Bank officials cited concerns of terrorist financing.

69. By 2013, it appeared that Dahabshiil found a new banking partner in Minneapolis-based U.S. Bancorp ("USB"), but USB pulled out of the arrangement at the last minute. According to a USB spokesperson, the bank decided not to do business with Dahabshiil because of items identified by an independent auditor and "the inherent risks of doing business in Somalia."

70. In Europe as well, banks have concluded that doing business with Dahabshiil is too risky. In May 2013, Barclays announced that it would no longer conduct transfers for Dahabshiil. "It is recognized that some money service businesses don't have the proper checks in place to spot criminal activity and could therefore unwittingly be facilitating money laundering and terrorist financing," Barclays said in a statement. "We want to be confident that our customers can filter out those transactions, because abuse of their services can have significant negative consequences for society and for us as their bank." Dahabshiil was able to

block the move by Barclays temporarily on competition grounds, but a settlement was reached in April 2014 under which the bank terminated its relationship with Dahabshiil.

71. Most recently, in February 2015, Merchants Bank of California ("MBC") announced that it would cut off Dahabshiil over terrorist financing concerns. Just one year prior, the Office of the Comptroller of the Currency ("OCC") had found MBC's anti-money laundering procedures inadequate. MBC signed a consent order that specifically addressed its need to conduct more rigorous monitoring of money service business transactions, such as those from Dahabshiil, "to reasonably ensure the legitimacy of the sources and uses of customer funds."

72. As these banks have all recognized, the Dahabshiil Criminal Conspirators have refused to implement effective policies to combat terrorist financing.

III. The Assassination of Saado Ali Warsame

73. After the release "Dhiigshiil ha dhigan" (Don't Do Business With The Blood Smelter) in 2011, Dahabshiil put a multi-million dollar bounty on Ms. Warsame's life.

74. While visiting Somalia in 2012, a police van ran her car off the road. Her vehicle flipped over six times and two people were killed in the attack. Ms. Warsame was seriously injured, but she refused to give into fear and kept serving in the Somali Parliament.

75. Then, on July 23, 2014, Ms. Warsame was being driven to her hotel in Mogadishu when al-Shabaab gunmen pulled up to her car in a drive-by attack and opened fire. Ms. Warsame and her driver were both killed by al-Shabaab operatives, and an official spokesperson for al-Shabaab claimed responsibility for the assassination.

The Car in which Saado Ali Warsame was Killed

76. Two days later, a state funeral was held in Ms. Warsame's honor at the Somali presidential compound. Islamic tradition required that the funeral take place quickly and, as a result, Ms. Warsame's son Harbi was not able to travel to Somalia in time to attend. In a speech, Somali Prime Minister Abdiweli Sheikh Ahmed said that Ms. Warsame had "not only worked tirelessly in the political arena of Somalia, she was also embedded in Somali culture as a gifted artist. Her work as a committed patriot will never be forgotten."

77. The U.S. State Department also issued a statement upon Ms. Warsame's death: "As a singer, songwriter, poet and parliamentarian Warsame exemplified all the best qualities of Somali culture and tradition. This is a tremendous loss to the people of Somalia and to Somalis around the world."

IV. The Assassination of Abdullahi Ali Anshoor

78. Abdullahi Ali Anshoor was a Somali engineer who, like many of his countrymen, fled Somalia with his family as civil war broke out in the 1990s. By 1999, he had settled in the Minneapolis, MN area with his wife and three children. While in Minnesota, he managed a public housing unit located in St. Paul.

Abdullahi Ali Anshoor

79. Despite his well-paying job here in the United States, Mr. Anshoor returned to Somalia in September 2013 to help rebuild his homeland. Working for the local Mogadishu government and the International Organization for Migration, Mr. Anshoor used his education and experience as an engineer to oversee the rebuilding of roads and sewer systems. But working for the government to improve the lives of the Somali people made him a target for al-Shabaab.

80. On November 17, 2014, Mr. Anshoor returned home from work, spoke with his daughter Riyak who was also living in Somalia at the time, and went out to the coffee shop as per his usual routine. Unusually though, Mr. Anshoor did not return home or call his daughter as it began to get dark.

81. According to witnesses, Mr. Anshoor received a phone call at approximately 7:00 p.m. while at the coffee shop, got in his red Toyota SUV and drove past his house. He asked someone for directions and, when he arrived at the location that he was looking for, three al-

Shabaab operatives stopped Mr. Anshoor's car, approached him and shot Mr. Anshoor at point-blank range. Mr. Anshoor was pulled out of his car and left to die on the side of the road. Abdullahi Ali Anshoor was 64 years old.

82. In the middle of the night, Riyak was awoken when a police officer called looking for Mr. Anshoor. She noticed that her father's car was not at home and began frantically calling him, but he did not pick up. A few hours later, Riyak identified her father's body for the police. A report issued by Madina Hospital states that it received Mr. Anshoor's corpse "with several gunshot wounds on the head, chest and abdomen. He was clearly dead."

83. As with Ms. Warsame, the assassination of Mr. Anshoor was committed in the signature style of al-Shabaab. The Criminal Investigation Directorate of the Somalia National Police Force determined after an investigation that al-Shabaab was responsible for killing Mr. Anshoor. This finding was confirmed by the mayor of Mogadishu and other government officials.

84. Soon after his death, Mr. Anshoor's daughter Maryan was quoted as saying that her father "was a noble man, with a kind heart, who worked hard to help whomever he could." She added that many people like her father believe rebuilding Somalia is worth the risk.

COUNT I

CIVIL LIABILITY UNDER 18 U.S.C. § 2333(a) AGAINST ALL DEFENDANTS FOR VIOLATIONS OF 18 U.S.C. § 2339A CONSTITUTING ACTS OF INTERNATIONAL TERRORISM

85. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

86. The services and support that each of the separate Defendants purposefully, knowingly or with willful blindness provided to al-Shabaab constitute material support to the

preparation and carrying out of acts of international terrorism, including the assassinations of Saado Ali Warsame and Abdullahi Ali Anshoor.

87. In addition, the Defendants acted in concert as members of the Dahabshiil Criminal Conspiracy to purposefully, knowingly or with willful blindness provide al-Shabaab with material support to the preparation and carrying out of acts of international terrorism, including the assassinations of Saado Ali Warsame and Abdullahi Ali Anshoor.

88. Each of the Dahabshiil Criminal Conspirators knew about the aims and objectives of this criminal conspiracy, agreed to the essence of these objectives and performed acts intended to further these objectives.

89. Defendants' provision of material support to al-Shabaab, both individually and as members of the Dahabshiil Criminal Conspiracy, was a proximate cause of the injury inflicted on Plaintiffs.

90. By virtue of their violations of 18 U.S.C. § 2339A, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.

COUNT II

CIVIL LIABILITY UNDER 18 U.S.C. § 2333(a) AGAINST ALL DEFENDANTS FOR VIOLATIONS OF 18 U.S.C. § 2339B CONSTITUTING ACTS OF INTERNATIONAL TERRORISM

91. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

92. The services and support that each of the separate Defendants purposefully, knowingly or with willful blindness provided to al-Shabaab constitute material support to a Foreign Terrorist Organization ("FTO") in violation of 18 U.S.C. § 2339B.

93. In addition, the Defendants acted in concert as members of the Dahabshiil

Criminal Conspiracy to purposefully, knowingly or with willful blindness provide al-Shabaab with material support to the preparation and carrying out of acts of international terrorism, including the assassinations of Saado Ali Warsame and Abdullahi Ali Anshoor.

94. Each of the Dahabshiil Criminal Conspirators knew about the aims and objectives of this criminal conspiracy, agreed to the essence of these objectives and performed acts intended to further these objectives.

95. Defendants' provision of material support to al-Shabaab, both individually and as members of the Dahabshiil Criminal Conspiracy, was a proximate cause of the injury inflicted on Plaintiffs.

96. By virtue of their violations of 18 U.S.C. § 2339B, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.

COUNT III

CIVIL LIABILITY UNDER 18 U.S.C. § 2333(a) AGAINST ALL DEFENDANTS FOR VIOLATIONS OF 18 U.S.C. § 2339C CONSTITUTING ACTS OF INTERNATIONAL TERRORISM

97. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

98. Each of the separate Defendants purposefully, knowingly or with willful blindness provided and/or collected funds for al-Shabaab with the intention or knowledge that such funds were to be used in full or in part to carry out an act intended to cause death or serious bodily injury to a civilian so as to intimidate a population or to compel a government organization to do or to abstain from doing any act.

99. In addition, the Defendants, acting in concert as members of the Dahabshiil Criminal Conspiracy, purposefully, knowingly or with willful blindness provided and/or

collected funds for al-Shabaab with the intention or knowledge that such funds were to be used in full or in part to carry out an act intended to cause death or serious bodily injury to a civilian so as to intimidate a population or to compel a government organization to do or to abstain from doing any act.

100. Each of the Dahabshiil Criminal Conspirators knew about the aims and objectives of this criminal conspiracy, agreed to the essence of these objectives and performed acts intended to further these objectives.

101. Defendants' provision and/or collection of funds for al-Shabaab, both individually and as members of the Dahabshiil Criminal Conspiracy, was a proximate cause of the injury inflicted on Plaintiffs.

102. By virtue of their violations of 18 U.S.C. § 2339C, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

i. Accept jurisdiction over this action;

ii. Enter judgment against all Defendants and in favor of Plaintiffs for compensatory damages in an amount to be determined at trial;

iii. Enter judgment against all Defendants and in favor of Plaintiffs for treble damages pursuant to 18 U.S.C. § 2333;

iv. Enter judgment against all Defendants and in favor of Plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;

v. Order any equitable relief to which Plaintiffs might be entitled;

vi. Enter an Order declaring that all Defendants have violated, and are continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 *et seq.*; and

vii. Grant such other and further relief as justice requires.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues so triable.

Dated: February 22, 2016

Respectfully submitted,

BURSOR & FISHER, P.A.

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